

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

CHERYL BESSER, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

STURGIS BANK & TRUST COMPANY,

Defendant.

Case No. 1:13-cv-00229-PLM

Chief Judge Paul L. Maloney

Magistrate Judge Joseph G. Scoville

**STIPULATION OF DISMISSAL**

Plaintiff Cheryl Besser (“Plaintiff”), and Defendant Sturgis Bank & Trust Company (“Defendant”), by and through their undersigned counsel and pursuant to Fed. R. Civ. P. 41(a)(1)(A) and Fed. R. Civ. P. 23(e), hereby stipulate to the dismissal of this action, with prejudice as to Plaintiff’s individual claims, and without prejudice as to the claims of any alleged class members. No class has been certified in this action. Accordingly, class notice and Court approval of the settlement are not required under Fed R. Civ. P. 23(e). In exchange for the Plaintiff’s individual release of claims set forth in a Confidential Settlement Agreement and Release dated as June 25, 2013 (the “Settlement Agreement”) and such other consideration set forth in the Settlement Agreement, Plaintiff and Defendant have resolved their disputes in this action.

In accordance with the terms of this Stipulation and their Settlement Agreement, the parties request that the Court dismiss with prejudice Plaintiff’s individual claims and dismiss without prejudice the claims of any alleged class members, and retain jurisdiction to interpret and enforce the terms of the Stipulation and Settlement Agreement entered into by the parties.

Dated: July 17, 2013

Respectfully submitted,

/s/ Sunshine R. Fellows

Sunshine R. Fellows  
sfellows@carlsonlynch.com  
CARLSON LYNCH LTD  
PNC Park  
115 Federal Street, Suite 210  
Pittsburgh, PA 15212  
(p) (412) 322-9243  
(f) (412) 231-0246

*Counsel for Plaintiff*

/s/ Dean F. Pacific

Dean F. Pacific  
dpacific@wnj.com  
WARNER NORCROSS & JUDD LLP  
900 Fifth Third Center  
111 Lyon Street, N.W.  
Grand Rapids, Michigan 49503-2487  
(p) 616.752.2000  
(f) 616.222.2722

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Appearance of Counsel was filed electronically on this 17<sup>th</sup> day of July, 2013, and will be served on all counsel of record via the Court's electronic filing system (CM/ECF). Parties may access this filing through the Court's system.

/s/ Sunshine R. Fellows  
Sunshine R. Fellows